

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARMANDO CARRASCO, individually, and
on behalf of all others similarly situated,

ORDER

Plaintiff,

22-CV-09535 (PMH)

v.

SOMNIA, INC.,

Defendant.

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PHILIP M. HALPERN, United States District Judge:

On December 13, 2022, Plaintiff filed a letter seeking a pre-motion conference in connection with an anticipated motion to consolidate certain related actions pending before this Court and to appoint interim co-lead class counsel (the “*Carrasco* letter”). (Doc. 10). Plaintiff also filed the *Carrasco* letter in the related actions sought to be consolidated: (1) *Chabak v. Somnia, Inc.*, No. 7:22-cv-09341 (“*Chabak*”); (2) *Polk, et al. v. Somnia, Inc.*, No. 7:22-cv-09549 (“*Polk*”); (3) *Booth Harris v. Somnia, Inc., et al.*, No. 7:22-cv-09550 (“*Booth Harris*”); (4) *Weiscope v. Resource Anesthesiology Associates of IL, P.C., et al.*, No. 7:22-cv-09643 (“*Weiscope*”); and (5) *Henderson, et al. v. Somnia, Inc., et al.*, No. 7:22-cv-09960 (“*Henderson*”). The Court thereafter entered an Order directing that responses to the *Carrasco* letter be filed by the parties in each of the foregoing cases. On December 21, 2022, the Court granted a request to respond to the *Carrasco* letter in another related action, *Sommers v. Somnia, Inc. et al.*, 7:22-cv-10572 (“*Sommers*”).

On December 21, 2022, plaintiff’s counsel in *Chabak* filed a letter responding to the *Carrasco* letter on behalf of plaintiffs in *Chabak*, *Polk*, *Booth Harris*, *Weiscope*, and *Henderson*; and plaintiff’s counsel in *Sommers* filed its own response to the *Carrasco* letter. The plaintiffs in

all seven related actions agree that consolidation and appointment of interim class counsel is appropriate, but disagree as to which counsel should be appointed.

Accordingly, the Court has scheduled a pre-motion conference to be held on **January 25, 2023 at 3:00 p.m.** to be held in Courtroom 520 of the White Plains courthouse.

The Clerk of Court is respectfully directed to docket this Order in each of the following actions: (1) *Chabak v. Somnia, Inc.*, No. 7:22-cv-09341; (2) *Carrasco v. Somnia, Inc.*, No. 7:22-cv-09535; (3) *Polk, et al. v. Somnia, Inc.*, No. 7:22-cv-09549; (4) *Booth Harris v. Somnia, Inc., et al.*, No. 7:22-cv-09550; (5) *Weiscope v. Resource Anesthesiology Associates of IL, P.C., et al.*, No. 7:22-cv-09643; (6) *Henderson, et al. v. Somnia, Inc., et al.*, No. 7:22-cv-09960; and (7) *Sommers v. Somnia, Inc. et al.*, 7:22-cv-10572.

SO ORDERED:

Dated: White Plains, New York
December 22, 2022



PHILIP M. HALPERN
United States District Judge